



STATE OF DELAWARE  
**STATE FIRE PREVENTION COMMISSION**  
DELAWARE FIRE SERVICE CENTER

(302) 739 – 3160  
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1463 CHESTNUT GROVE ROAD  
DOVER, DELAWARE 19904

## **STATE FIRE PREVENTION COMMISSION**

Monthly Meeting

March 15, 2016

### **MEMBERS PRESENT**

David J. Roberts, Chairman  
Alan Robinson, Jr., Vice Chairman  
Tom DiCristofaro  
Ron Marvel  
Anthony R. Guzzo  
Lynn Truitt (absent)  
Marvin C. Sharp (absent)

### **ALSO PRESENT**

Patricia Davis, Deputy Attorney General  
Sherry Lambertson, Executive Specialist  
David J. Truax, Investigator/Compliance Officer  
Grover P. Ingle, State Fire Marshal  
Robert P. Newnam, Director, State Fire School

### **GUESTS**

Louis Amabili, Hockessin Fire Co.  
Allan Post, American Legion Smyrna  
Warren Jones, DVFA  
Anthony Spiezio, DTI  
Charles Frampton, Brandywine Hundred Fire Co.  
W. Mike McMichael, DSEMSA  
Richard Toulson, DVFA  
Joe Zeroles, DVFA  
Bill Carrow, Citizens Hose and Little Creek Fire Co.

### **CALL TO ORDER**

Chairman Roberts called the meeting to order at 9:00 a.m.

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF FEBRUARY 16, 2016 COMMISSION MEETING MINUTES**

It was moved by Commissioner DiCristofaro, and seconded by Vice Chairman Robinson that the minutes of the February 16, 2016 Commission meeting be approved. Motion carried by unanimous vote.

### **REPORT OF THE STATE FIRE MARSHAL**

#### **INFORMATIONAL ITEMS**

##### Personnel Items

Fire Marshal Ingle has updated the commission on the vacant Deputy Fire Marshal I position in Kent County. The agency received the background checks and is in the process of making a conditional offer to the candidate.

The Deputy Fire Marshal I position in New Castle interviews were conducted on March 2<sup>nd</sup> and 3<sup>rd</sup>. Background investigations have begun.

Sheila Alexander has been promoted to the position of Office Manager in Kent County. She began the position February 22, 2016. Because of this promotion, there is a vacant Administrative Specialist I position in Kent County. State Personnel has authorized the process of hiring for the position. It will be posted no later than next week.

Deputy Fire Marshal Pfaffenhauser is currently taking a class at the National Fire Academy for the next two weeks. He will return home for one week and then go back to the Academy for two weeks for a Fire and Arson, Origin and Cause Class that he was accepted into.

Interviews are underway for the vacant Fire Protection Specialist I position in Sussex County.

Deputy Fire Marshal III Krysiak will be out on extended medical leave beginning March 23, 2016. He will be out for a minimum of six weeks. If needed Brent Billings will return to New Castle County temporarily for coverage.

Fire Marshal Ingle received a resignation letter from Deputy Fire Marshal III C.C. Tripp Wagner. His last day is Friday, March 18, 2016. He had over 11 years with the agency as a Deputy Fire Marshal III. He has accepted a position with Jenson & Hughes as a mechanical engineer. He was an asset to the agency and wish him well on his new endeavors. Fire Marshal Ingle asked the Commission's approval to fill the vacant position.

It was moved by Commissioner Dicristofaro, seconded by Commission Marvel to authorize Fire Marshal Ingle to proceed with filing the Deputy Fire Marshal I vacancy. Motion carried by a unanimous vote.

Susan Givens, Office Manager in Sussex County will be out on extended medical leave beginning April 5, 2016 for approximately two weeks.

#### Fire Fatality

Fire Marshal Ingle reported on a fire fatality from March 1, 2016 at approximately 5 a.m. Rehoboth Beach Fire Company was dispatched to a mobile home fire in the 19000 block of Center Avenue, Sea Air Mobile Home Park. On arrival the fire department had a single wide mobile home fully involved. After extinguishment a deceased victim was found inside the mobile home. No other injuries reported. Investigation is continuing and no further information is available at the present time. The agency is waiting on the results of an autopsy performed by the Division of Forensic Science as to the cause of death. There were no smoke alarms in the mobile home. This is the fourth fire fatality of the year and none of the four had working smoke alarms.

#### JFC Committee Hearing/Governor's Recommended Budget

Fire Marshal Ingle reported that he felt the Joint Finance Committee Hearing went very well. He hopes that his request to move the balance of vehicle funding to fleet leased vehicles will be approved.

#### Delaware Fire Prevention Regulations

The regulation updates were published in the March Registry and became effective Friday, March 11, 2016. There are some minor changes to be made though such as spelling corrections that have been found. They will not have an impact on the regulations. Fire Marshal Ingle stated that DAG Davis has done an outstanding job in the markup process and appreciates all of her efforts. They are in the process of getting a clean copy on the agency website and setting up training for Municipal Fire Marshal's.

DTI Update

Fire Marshal Ingle reported that files have been transferred to the new file structure. Print servers are in the process of being set up and everything appears to be running well at this point. They continue to work on programs and will be reviewing a third party software next week from the Compliance Engine to see if that will meet the agency needs for inspections and quality assurance inspections.

The agency continues to work with Anthony Spiezio, System Control Specialist of DTI and are pleased with the service they have received from DTI.

DFIRS Incidents Received

TOTAL STATE PARTICIPATION IN COMPLIANCE
87 %

DELINQUENT DEPARTMENTS

New Castle County	
Belvedere	January
Odessa	January
Kent County	
Cheswold	January
Dover	September – December, 2015 – January 2016
Houston	January
Magnolia	January
South Bowers	January
Sussex County	
Ellendale	November – December, 2015 – January 2016

OVERDUE REPORTS BY DAYS

30 Days	60 Days	90 Days	90+ Days
6	0	1	1

Source: DFIRS Incidents received as of 3/05/16.

## **REPORT OF THE STATE FIRE SCHOOL DIRECTOR**

### **Director**

- Director Newnam introduced Chad Ingram, Training Administrator to the Commission. He will work from the Kent County Division until the New Castle Division construction is complete at which time he will transfer.
- EMT Re-Cert status – Less than 400 are due by March 31, 2016. There are currently 1510 Delaware EMTs. It is normal that approximately 125 to 150 of the 400 remaining will not recertify.
  - A second notice to EMTs was sent on February 15, 2016.
- Budget hearing went well and Director Newnam is satisfied with the presentations.
- The Chestnut Grove city prop is on loan to DAPSS Charter School for use in their ICS training programs. The Fire School still has access to it for training.
- Request from the State Fire Police Association to provide ID cards for Fire Police.
- Student Injuries – Cut finger (glass) – jammed hand – both treated, continued in class

### **Staff Activities**

- Pre-Bid Meeting – New Castle Division was attended by Senior Instructor Brennan and Maintenance Supervisor Charles Bradley.
- Debris Meeting with Del DOT attended by Senior Instructor Baker
- Development meeting with area chiefs in New Castle – Recruit class attended by Senior Instructor Brennan.
- Delaware Haz. Mat. Conference will be attended on April 1<sup>st</sup> and 2<sup>nd</sup> by Senior Instructor Brennan. The programs will be at the DSFS Dover (134)
- Implementation in joining the State notification system attended by Training Educator III Miller.
- Meeting with DTI in partnering with the State's Learning Management System attended by Training Educator III Miller.
- Vision 20/20 Conference at Fairfax, VA attended by Senior Instructor Lowe and Training Educator III O'Malley.

### **Programs/Courses**

Figures in red are reference to last year's comparison of class attendance.

- Current Month
  - Haz. Mat. Officer program – New Castle Division – 21 students
  - RIT Basic – 17 students (13)
  - Wildland Firefighting S190 – 37 students (22)
  - EVO – Sussex – 12 students
  - Truck Company – 9 students
  - Engine Company – 23 students
  - Basic Brigade – 38 students (29)

### **Programs/Courses cont.**

- Aircraft Rescue – 6 students
- Wildfire S130 – 7 students
- Custodial Fire Safety
- Brigade II – 1 student
- Fire Chief II – 8 students
- Divisions Usage
  - New Castle – 9 classes scheduled (12)
  - Kent – 9 classes scheduled (7)
  - Sussex – 2 classes scheduled (3)
- Additions – Revisions
  - 8-hour Principles of Modern Fire Attack: SLICE-RS – May 14 – 15 at Divisions
    - Provided by ISFSI – program and Instructor
  - The use of “Smart Boards” with the Fire Officer II class evolutions

### **EMS**

- Current Month
  - CEU programs – 17 programs (16)
  - EMR – Kent, 5 students – New Castle , 6 students
  - EMT Refresher – Kent day – 22 students – weekend 27 students

**Public Education and Injury Prevention - Activity Report**

- Current Month
  - Fire Safety Programs – 6 scheduled (8)
  - DSFS Tours – 0 scheduled (1)
  - Fire Safety Displays - 2 scheduled (3)
  - Injury Prevention Programs – 2 displays – 4 programs (5)

**Maintenance – Building and Grounds**

- Construct closet shelving to clean up storage areas.
- Installation on propane tank in New Castle for Car Fire prop
- Truck to PA for new body installation
- Opened the grounds for training at all Divisions
- Bid Process is underway for New Castle Division construction

**Financial**

- Past Due Billings
  - 30 days – 2,465.00
  - 60 days – 12,175.00
  - 90 days – 1,075.00
- 20678 Tuition Fund – 722,763.00
- Accounts receivable – 35,251.00
- Revenue Comparison
  - Tuition – 2016 – 38,615.00, 2015 – 48,969.50
- Special Funds Summary – The Special Funds Summary report was submitted to the Commissioners for review.
- Expenditure Report – The Expenditure report was submitted to the Commissioners for review.

**Staff and Office Staff Meeting Minutes**

Staff and office staff meeting minutes were submitted for Commission review.

### **FIRE SCHOOL PRESENTATION**

Senior Instructor Gajdos gave a presentation to review changes being made to the Emergency Medical Responder and Emergency Medical Technician Level EMS Education Program Administrative Standards and Guidelines.

It was moved by Vice Chairman Robinson, seconded by Commissioner Marvel to accept the document as presented in draft form and hold for public comment in April. Motion carried by a unanimous vote.

### **BLS MEDICAL DIRECTOR**

Dr. Matthews presented the following report

1. BLS albuterol pilot program: A total of 22 companies throughout the State were approved to participate in the pilot project. Over 300 EMTs and more than 50 trainers have been trained. After review of the July and August Data sheets, 9 companies have submitted forms for over 130 patient encounters with positive reviews. The data sheet should only be completed for patient encounters in which BLS evaluates and administers BLS as part of the pilot protocol as opposed to assisting a patient with their own albuterol as was already within the DE BLS scope of practice. A general albuterol prescription for participating agencies is on file with Southeastern Medical Equipment and I can put on file at other pharmacies if requested. The data collected is now being compiled and the success of the program will be determined. Dr. Matthews does not see any complications at this point. From July, 2015 – January 2016 there were over 130 BLS administered albuterol without complications. That data is now being compared to data of BLS patient care that did not have albuterol on board. Those patients would have received albuterol via ALS and look at the time of initial patient contact and albuterol administration.
2. Dr. Matthews encourages all BLS Providers to get their Influenza vaccine since we are in the Influenza season. They should follow infection control PPE and documentation policies when transporting patients with symptoms of influenza. Delaware is now in a widespread status.



**BLS MEDICAL DIRECTOR cont.**

3. The ALS/BLS Protocol Committee had their first meeting last week to update the Delaware Basic Life Support Protocols, Guidelines and Standing Orders for Prehospital and Interfacility Patients. The updates are likely to take place in the spring of 2016 and become effective sometime in December, 2016. There are four more additional meetings scheduled. Dr. Matthews anticipates attending two of those meetings. Proposed changes should be presented to the Commission in April.

**REPORT OF THE INVESTIGATOR/COMPLIANCE OFFICER**

13 Annual Ambulance Unit Inspections

2 Arrest Notifications were received.

1 EMT – No longer current

1 Active EMT – Unlawful sexual contact. Opened case for investigation.

1 Self Report – DUI charge.

Case #1517 was brought before the Commission to recommend closure. It is with regard to an EMT and deliverance of CPR. After review by the Investigator and Dr. Matthews, it was felt that the EMT would benefit from remedial training. Dr. Matthews initiated the remedial training. It has been completed and paperwork submitted to the Investigator. DAG Plerhoples is in agreement with the outcome of the case. With that information, the Investigator recommends closure of the case.

It was moved by Commissioner Dicristofaro, seconded by Vice Chairman Robinson to close case #1517 per the Investigators investigation. Motion carried by a unanimous vote.

Case #1519 was brought before the Commission to recommend closure. It is with regard to an EMT with a theft charge. The EMT is on station video removing two flashlights from members gear and putting one in his pocket. The theft charge was listed as under \$100. The EMT stated that it was a prank. It went to court and the Attorney General's Office dropped the charges due to lack of prosecutorial merit. The fire company involved terminated the employee as an EMT and is satisfied with the outcome. The flashlights taken were not fire company property, but belonged to the two members involved. The Commission Investigator attempted to reach these two members and they did not come forward. The EMT did not self-report the case.

**REPORT OF THE INVESTIGATOR/COMPLIANCE OFFICER cont.**

If the Commission approves of the closure, it will included in the closure letter the consequences of not self-reporting an arrest while being certified as an EMT.

It was moved by Commissioner Dicristofaro, seconded by Commissioner Guzzo to close case #1519 per the Investigators investigation with a reminder in the closure letter of the importance to self-report. Motion carried by a unanimous vote.

Chairman Roberts asked how many open cases the Commission currently has. Investigator Truax stated that there are three pending 2015 cases and three open 2016 cases.

**REPORT OF DEPUTY ATTORNEY GENERAL**

Deputy Attorney General Davis did not have anything specific to report this month. Commissioner Dicristofaro asked her if she had anything further to report on the Audit Committee issue. She stated that she has spoken to representatives of the Attorney General's Office who work with the Board of Accountancy. Commissioner Dicristofaro referred to correspondence from the Audit Committee Review member that reviewed and denied the Claymont Fire Company audit.

The issue is as follows:

On July 16, 2015 the Commission Audit Review Committee rejected the fiscal year end 2014 audit submitted by Claymont Fire Company until Sharron Cirillo of SCassociates provided proof that she is a Certified Public Accountant and retains a license for such. On July 16, 2015 Ms. Lambertson emailed Mrs. Cirillo and asked that she provide the commission with credentials showing that she is a Certified Public Accountant for the record. Mrs. Cirillo responded that she is not a Certified Public Accountant. Paul Maxwell Willbanks is engagement lead and signed the Claymont report.

The Commission received a memo from the Audit Review Committee on October 16, 2015 stating that the Claymont Annual Review Report was rejected because it was not being presented to the Commission by a Certified Public Accountant, as required by the Commissions regulations. The memo stated the following reasons specifically:

1. Sharon is not licensed as a CPA.
2. Sharon submitted Claymont's report under her company's name on June 12, 2015. (The Audit Review Committee rejected it).

**REPORT OF DEPUTY ATTORNEY GENERAL cont.**

3. The Audit Committee noticed that she has also;
  - a. Signed Letters of Representations for several fire companies, and
  - b. Requested an extension for one Fire Company.
4. The Audit Review Committee was told that she had a CPA sign-off on Claymont's report. If this is the case, then the report should have been filed by the CPA himself, not her, even though she may have a CPA on her staff/payroll, etc.
5. The Audit Review Committee also noticed that she has been doing more accounting work for fire departments in the New Castle County area, (i.e. DE City and Minquas).
6. Sharon does in fact attend our annual DVFA Conference at Dover Downs, and this year she handed out both coffee cups and memo pads promoting her business.

Contrary to the above, the Audit Committee member feels that;

1. The Commission should abide by the Regulations as adopted stating that; "Reviews must be completed by an independent certified public accounting firm..."(Section 3.1)
2. All requests for Audit Extensions be made by the designated fire department officers.
3. All Letters of Representation be signed by fire company officers, not their accountant or agent.
4. Any other correspondence relative to the fire company's annual review be communicated via the fire company itself.

Failure to abide by the procedures adopted by the Commission only weakens the internal controls put in place back in 2009 to govern the financial reporting by the 60 fire companies and 3 ambulance companies statewide.

End Memo

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The Audit Compliance Committee Reviewer that pinned this memo stated that if the above issues were not resolved, he would not be left with a choice but to tender his resignation as a reviewer of annual reports. He awaits an interpretation of the law by the Deputy Attorney General. He does not feel that the intent of the Commission regulation allows Mrs. Cirillo to be an agent of the fire department etc. Nowhere in the law does it speak of agents and/or representatives speaking on behalf of the fire departments.

**REPORT OF DEPUTY ATTORNEY GENERAL cont.**

The State Auditor of Accounts requested a copy of all Audit Reviews/Audits performed by SCassociates on October 29, 2016.

The Commission received correspondence penned by a Chief Administrative Auditor on January 12, 2016 from the State Auditor of Accounts Office. The letter stated that it was brought to their attention that a public accounting firm has provided review level services to at least one fire company in the State of Delaware to meet the financial audit regulations set forth by Delaware Administrative Code §708. However, in accordance with Delaware Administrative Code §708, “Reports must be completed by an independent certified public accounting firm...” Certified public accounting firms are subject to professional standards, monitoring, and continuing education requirements that public accounting firms are not. In addition, an individual CPA cannot sign the review report on behalf of a public accounting firm. AOA strongly advises all fire companies to comply with Delaware Code and utilize a qualified certified public accounting firm. They further advised that the certified public accounting firm has successfully passed peer review and should conduct the engagement in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants and Financial Accounting Standards Board standards as applicable.

Commissioner Marvel stated that from his limited understanding is the standard for a CPA and a CPA firm are different and this may be part of the concern of the Audit Review Committee.

Chairman Roberts stated that part of the concern of the committee is making sure that the same firm that is preparing the books for a fire company are not the same firm preparing an audit/audit review.

Deputy Attorney General Davis reported that she has reviewed the letter from the Auditors Office and they are relying on the Commissions regulation language. There doesn't appear to be anything independent from the way the Auditor's office is reading the Commissions regulation. The Auditor's Office is reading the regulation differently than the Fire Commission's attorney. DAG Davis stated that the regulation wording states that only certain types of auditing firms are allowed. She stated that if the Commission chooses to change that, they will have to do that by updating the language in the current regulation.

**REPORT OF DEPUTY ATTORNEY GENERAL cont.**

Chairman Roberts stated that the concern at hand is that the Audit Review Committee Reviewer and the Office of State Auditor of Accounts rejected the Claymont Fire Company Audit for reasons already mentioned. He asked what the pleasure was of the Commission to move forward with the Claymont review that was rejected. If Claymont's review is not correct, the Commission needs to make sure that they have it corrected.

Commissioner Dicristofaro stated that Claymont Fire Company is his affiliation and they have gotten a new firm to handle their reviews. The firm that they were using (SCassociates) has been advised by legal counsel to not do any more reviews until the issues can be resolved. She does a lot of work for fire companies and is losing business because of this. They are waiting for something in writing to confirm a review done by SCassociates will be accepted before they perform any more reviews.

DAG Davis presented options to the Commission for consideration. The Review of this report will more than likely resign his position if the Commission approves the audit as well as if the regulations are updated. She believes the Commission can accept it as written or follow the recommendation of the reviewer and take a technical reading of the regulation and reject it. It is up to the Commission. She suggest that the regulation be updated for clarity in the future. Regulations state that the review must be completed by a Certified Public Accounting Firm and her business is not a CPA firm. SCassociates is a Public Accounting business that has a CPA in house. A CPA signed the review, but works at a Public Accounting Firm.

It was moved by Commissioner Dicristofaro, seconded by Commissioner Guzzo to change the language in Regulation 708 3.0 – 3.1. Motion carried by a unanimous vote.

Commissioner Guzzo stated that the Commission should not be making it unnecessarily difficult for the fire companies to comply with regulations and made a motion to accept Claymont Fire Company's 2014 Audit Review Report.

It was moved by Commissioner Guzzo, seconded by Vice Chairman Robinson to accept the Claymont Fire Company report that was rejected by our Audit Review Compliance Committee. Motion carried by a unanimous vote.

Commissioner Guzzo -	Yes
Commissioner Marvel -	Yes
Commissioner Sharp -	Absent
Commissioner Truitt -	Absent
Commissioner Dicristofaro -	Abstained
Vice Chairman Robinson -	Yes
Chairman Roberts -	No

## **REGULAR BUSINESS**

### **Action Items**

#### **University of Pennsylvania Medical Center – Critical Care Ambulance Licensure**

The Commissioner received correspondence from the University of Pennsylvania Medical Center requesting licensure of their critical care ambulances. They currently operate 6 dedicated helicopters and 2 critical care transport units (ground). They requested verification that it is permissible for them to operate in Delaware with the following stipulations:

1. Project under 20 transports per year by ground.
2. Trucks are only for critical care retrievals for patients entering the Penn Medicine Health System.
3. Usually critical care patients with additional life support devices (Balloon pump/VAD/ECMO device).
4. On occasion they will have a physician accompany them on these transports due to the acuity of the patient.
5. Use the units when the aircraft are grounded due to weather or when the weight exceeds the capabilities of the aircraft.
6. Flight and ground crews rotate so it's the exact same team that transports the patients by air (Nurse/Paramedic).
7. Units are fully licensed in both PA and NJ.

Compliance Officer Truax reviewed the request with the Commission. Fire Prevention Commission Regulation Section 710: 2.1.5 allows ambulances based and licensed outside the State engaged strictly in interstate transportation. This regulation would allow this type of transports.

It was moved by Commissioner Marvel, seconded by Commissioner Dicristofaro to send a letter with a copy of the regulations to the University of Pennsylvania Medical Center. Motion carried by a unanimous vote.

It was moved by Commissioner Dicristofaro, seconded by Commission Guzzo to enter into Executive Session for the purpose of personnel and litigation discussion. Motion carried by a unanimous vote. The Commission entered into executive session at 11:15 a.m.

## **EXECUTIVE SESSION**

It was moved by Vice Chairman Robinson, seconded by Commissioner Guzzo to reenter regular session. Motion carried by a unanimous vote. The Commission exited the executive session at 12:01 a.m.

## **REGULAR SESSION**

### **NEW BUSINESS**

#### April Meeting Date Change

The Commission changed the date and time of the April meeting to due to lack of quorum. The date was moved to April 26, 2016 at 3:00 p.m.

It was moved by Commissioner Dicristofaro, seconded by Commissioner Guzzo to move the April meeting to April 26, 2016 at 3:00 p.m. Motion carried by a unanimous vote.

### **GENERAL INFORMATION**

No report at this time.

### **CORRESPONDENCE**

No report at this time.

### **MISCELLANEOUS INFORMATION**

No report at this time.

### **REPORT OF THE COMMISSIONERS**

#### Chairman David J. Roberts

Chairman Roberts reported that he attended the Monthly Fire Prevention Commission Meeting.

Vice Chairman Alan F. Robinson, Jr.

Vice Chairman Robinson reported that he attended the Monthly Fire Prevention Commission Meeting, Citizens Hose Fire Company Auxiliary Meeting, Citizens Hose Fire Company Meeting and Citizens Hose Fire Company Board of Directors Meeting.

Commissioner Ron Marvel

Commissioner Marvel reported that he attended the Monthly Fire Prevention Commission Meeting.

**DATE OF NEXT MEETING**

April 26, 2016 – 3:00 PM  
Commission Chamber  
Delaware Fire Service Center  
1463 Chestnut Grove Road  
Dover, DE 19904

**ADJOURNMENT**

It was moved by Vice Chairman Robinson, and seconded by Commissioner Guzzo that the meeting be adjourned. Motion carried by a unanimous vote. The meeting was adjourned at 12:02 p.m.

Respectfully submitted,

*Sherry R. Lambertson*

Sherry R. Lambertson  
Executive Specialist

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